

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STANTON S. KREMSKY	:	CIVIL ACTION
	:	
v.	:	NO. 16-4474
	:	
KENNETH F. KREMSKY	:	

ORDER

AND NOW, this 3rd day of January 2017, upon consideration of Defendants' Motion to quash subpoenas (ECF Doc. No. 25) and Plaintiff's Response (ECF Doc. No. 28), Plaintiff's Motion for protective order (ECF Doc. No. 26) and Defendant's Response (ECF Doc. No. 30), Plaintiff's Motion to strike objections to the subpoenas (ECF Doc. No. 29), and following oral argument, it is **ORDERED**:

1. Defendant's Motion to quash the Plaintiff's December 8, 2016 subpoenas (ECF Doc. No. 25) is **GRANTED in part** and, as more fully described in an accompanying Memorandum, the December 8, 2016 subpoenas upon casinos and banks including Bank of America, CitiBank, Citizens Bank and TD Bank are **QUASHED**. As any lasting prejudice can be cured, Defendant's request for attorney's fees or additional sanctions is **denied** without prejudice should there be any further actions taken without prior notice to the opposing party;

2. Plaintiff's Motion for a protective order or to modify (ECF Doc. No. 26) is **GRANTED in part**:

- a. As Defendant cannot independently obtain financial statements or alternative proof of income and expense relating to the real property at issue, either party may obtain, and inquire upon, only those portions of the opposing party's subpoenaed tax returns relating to the income and expenses or depreciation related to the real property at issue;

- b. All financial information, including portions of tax returns, relating to the real estate at issue shall be held **confidential** by the parties, their counsel and experts without disclosure to a third party and no filing under seal without our approval; and,
3. Plaintiff's Motion to strike Defendant's objections to the October 13, 2016 subpoenas (ECF Doc. No. 29) is **GRANTED in part** and **DENIED in part**:
- a. Plaintiff **withdraws** its subpoena upon Mondelez International, LLC and shall write to this witness as soon as possible **today** notifying of the withdrawal of subpoena with copy to Defendant's counsel;
- b. Attorney Abramoff shall produce any non-privileged documents relating to the formation of HG Kremsky RE Holdings, LLC no later than **January 10, 2017**;
- c. Subpoenaed witnesses Citizens Bank, Sun National Bank, TD Bank, NA, Trident Mortgage Company LP shall produce any responsive mortgage application relating to the identified real property and account statements relating to any lending secured by the identified real property; and,
- d. The parties shall produce all previously quarantined documents received to date in response to subpoena to opposing counsel no later than **January 4, 2017**.



KEARNEY, J.